

Appl. No. : 10/753,064
Filed : January 6, 2004

REMARKS

Claims 1 through 20 stand rejected. Applicant has amended Claims 1, 5, 9, 13, and 14. Thus, Claims 1-20 are presented for reconsideration and further examination in view of the foregoing amendments and following remarks.

Rejection under §35 U.S.C. §102(b) over Bierman (U.S. Patent No. 5,456,671) and Dailey (U.S. Patent No. 4,082,094)

The Examiner rejected independent Claims 1, 5, 9, and 13 as anticipated by U.S. Patent No. 5,456,671 to Bierman and U.S. Patent No. 4,082,094 to Dailey. Applicant respectfully traverses this ground for rejection.

Amended Claims 1 and 13 are directed to catheterization systems that include, *inter alia*, “a pair of walls disposed between the proximal and distal end portions, at least a portion one of the walls being configured to contact at least a portion of the second spline at least when the medical device is secured within the channel, the contacting portion of the second spline being disposed between distal and proximal ends of the second spline.” Amended Claims 5 and 9 each recite, *inter alia*, “a pair of walls disposed between the proximal and distal end portions, at least a portion of one of the walls being configured to contact at least a portion of the spline at least when the medical device is secured within the retainer, the contacting portion of the spline being disposed between distal and proximal ends of the spline.” The applied art fails to disclose at least the recited structures.

Applicant respectfully submits that Claims 1, 5, 9, and 13 are not anticipated by the applied art. Dependent Claims 2-4, 6-8, 10-12, and 14-20 depend from independent Claims 1, 5, 9, and 13 and are allowable over the applied art for at least the reason stated above in connection with the respective independent claim.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicant reserves the right to pursue at a later date any previously pending or

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other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejection set forth in the outstanding Office Action is inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole.


The undersigned has made a good faith effort to respond to all of the noted rejections and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain of if an issue requires clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve any such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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